

## **THE STORY – 1**

You are the principal of an average size middle school. Bob is one of your teachers. He is also the youth minister at one of the local churches. He tells you that some of the students are going to participate in the “Rally Around the Flag Pole” a Christian youth movement activity that is being promoted by his church. The activity calls for meeting before school at the flagpole for prayer before the start of the school day. Bob informs you that he has been asked by the students to be there as well so that there might be some adult supervision. He also shares with you that his church has asked him to help supervise so that the students are free from any ridicule that might come from other students. Bob wants to know what you think about his participation. He suggests that he could go to the activity until time for him to report to school at the regular duty time. What do you tell Bob? Be sure to include the following in addition to answering the question:

- Cite at least one court case that you feel helps you with this decision.
- Cite from the text or readings information that helps you with the decision.
- Be sure to include information about the Lemon Law and how it fits this situation.

## **THE STORY - 2**

You are the principal at a high school. A teacher has brought a student to you. The student is wearing a shirt with what appears to be Japanese lettering on the front. The teacher asked you to look at the shirt carefully. After inspection you notice that instead of Japanese writing the shirt actually contains the well hidden message F--- You. The teacher explains that when she discovered the real message in the shirt, she asked the student to reverse it so that the words were not displayed. He refused and stated that he had every right to freedom of speech and that he would not remove the shirt. She has now given you the problem. If the boy refuses to reverse the shirt what action would you take? Be sure to include the following:

- Under what amendment to the constitution might the boy have reason to believe that he has the right to wear the shirt?
- What court case would you cite that you would use as guidance?
- From the readings, what is the determining factor regarding your course of action?
- How does due process enter into this case?

## Separation of Church/State Issue

One of your teachers asks you whether it would be appropriate for him to supervise an after-school Bible study group. The group would like to meet in a classroom starting 30 minutes after school is out. The group is composed entirely of students from your school, but this is not intended to be a school club. Any interested student is welcome. While it is to be self-directed, the teacher has been asked to be available to supervise and support the group.

What would your answer to the teacher be? Please support your answer using the readings and/or the board policies that have been provided.

## Compulsory Attendance

Jason is a Kindergarten student who has not had his immunizations as prescribed by law. You, as principal have followed the law and board policy and have sent him home. It has been five days and Jason has not returned. There is no phone in the home so you cannot call the parent. What are your next steps as principal and what is your rational based on your readings of the law and/or the provided board of education policy.

## Home School

As principal of a small school you have been given the additional assignment of monitoring the Home School Applications. As a part of the process you are visiting with a parent who has come to you to talk about the curriculum that will be used for the education of her fourteen-year-old daughter. In the course of the conversation the parent shares with you that her daughter has been enrolled in all four of the middle schools in your district at one time or another. The parent explains that in each case the daughter experienced poor teachers who had absolutely no discipline in their classrooms. Other children would pick on her daughter and then her daughter would get into trouble for the retaliation that always occurred. The parent goes on to explain that she is upset with the schools because they are not providing an education for her child. She shares with you that she has a full time (40 hour per week) job and a part time job (20 hours per week). You inquire who the instructor will be for the student and the mother replies that she will be the instructor. The mother also inform you that her daughter does want to participate in a computer class and to participate on the track team. What would your next step be? Please support your answer using the readings and/or the board policies that have been provided.

1) One of the common themes in Michael W. La Morte's Cases and Concepts Chapter 3 "Students and the Law" is the attempt by courts to properly balance the fundamental rights of individuals, with the interests of the larger community. Have the courts achieved a proper balance between individual rights and group interests in: a) Freedom of expression in schools; b) student discipline and due process; c) search and seizure in schools; and d) gender equity under Title IX? Briefly explain why or why not in each of these areas of law.

2) You are a candidate for a position as a superintendent in a large metro-area school district. One of the reasons you were selected as a finalist for this position is because of your knowledge of education law. Please briefly respond to the following questions from the School Board: a) What principles of law can be employed to promote greater equity in schools?; b) What principles of law can be employed to promote a more safe, effective, and efficient school environment?; c) What principles of law can be employed to promote greater civility and ethical conduct in the school?

## Chapter 4 Exam

### Student Copy

For each case scenario below, please answer Plaintiff (P) or Defendant (D) according to which of these parties is *most likely* to prevail (the school is the Defendant (D) in each case):

- 1) \_\_\_ The school board has passed a resolution requiring all male teachers to wear a tie while teaching, except during physical education classes, shop classes, or other classes where legitimate health or safety reasons make wearing a tie problematic. Several teachers have objected that this dress code infringes on their free speech rights by denying them an opportunity to express themselves through their dress, and that the regulation discriminates on the basis of gender. They refuse to wear ties, are charged with insubordination, and suspended until they comply with the school's dress code. The teachers sue the school.
- 2) \_\_\_ An untenured teacher receives notice that her contract will not be renewed for the following year. She immediately goes to the principal's office and demands that the principal tell her why she is not being renewed. The principal refuses, and the teacher threatens to sue to force the principal to provide an explanation for the nonrenewal. There is no claim of improper motive, but the teacher insists that due process of law requires that the principal provide the teacher with an explanation for the nonrenewal.
- 3) \_\_\_ A teacher has been dismissed by the school board for sending a letter to a local newspaper in connection with a recently proposed tax increase. The letter was critical of the way the board had handled past proposals. The board determined that the publication of the letter was detrimental to the efficient operation and administration of the school district. The teacher sues the school district.
- 4) \_\_\_ A teacher has been dismissed by the school board for sending a letter to a local newspaper in connection with an internal dispute over when the teacher's lunch hour should be scheduled. The board determined that the publication of the letter was detrimental to the efficient operation and administration of the school district. The teacher sues the school district.
- 5) \_\_\_ A school board plans to dismiss a teacher because of poor performance and a series of unprofessional arguments with both faculty and students. Shortly before his dismissal, the teacher calls a local radio station and raises several issues of alleged misconduct by the school district. After being dismissed, the teacher claims that his rights of Free Speech were violated by the dismissal. The teacher sues challenging the dismissal.
- 6) \_\_\_ During noninstructional time, a middle school teacher is busy grading papers and allows a student to play a video tape for the class to view, without previewing the tape. The video tape contains some indecent language and images, and many parents complain to the principal and school board about the incident. The teacher is dismissed, and in a dismissal hearing the teacher claims rights of academic freedom and that the tape had serious educational value. The teacher sues for reinstatement and damages.